UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,416	08/31/2001	Ian Moir	085710.P046	2727

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EXAMINER
TRAN, NGHI V

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 05/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/945,416	MOIR, IAN
	Examiner	Art Unit	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing·date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 August 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
  closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-30</u> is/are pending in the application.

  4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>31 August 2001</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

  a)☐ All   b)☐ Some * c)☐ None of:

  1.☐ Certified copies of the priority documents have been received.

  2.☐ Certified copies of the priority documents have been received in Application No. _____.

  3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
    application from the International Bureau (PCT Rule 17.2(a)).

  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
  Paper No(s)/Mail Date <u>1/9/02, 2/20/02, and</u> 4/15/02 ; 1/28/03

4) ☐ Interview Summary (PTO-413)
  Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Drawings

1.   The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5)
because they do not include the following reference sign(s) mentioned in the
description: item 113, as disclosed on page 7, line 8 of the present application, is not
present in the drawing. Corrected drawing sheets in compliance with 37 CFR 1.121(d)
are required in reply to the Office action to avoid abandonment of the application. Any
amended replacement drawing sheet should include all of the figures appearing on the
immediate prior version of the sheet, even if only one figure is being amended. Each
drawing sheet submitted after the filing date of an application must be labeled in the top
margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If
the changes are not accepted by the examiner, the applicant will be notified and
informed of any required corrective action in the next Office action. The objection to the
drawings will not be held in abeyance.

Specification

2.   The lengthy specification has not been checked to the extent necessary to
determine the presence of all possible minor errors. Applicant's cooperation is
requested in correcting any errors of which applicant may become aware in the
specification.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-6, 9-10, 12, 14--21, 24-25, 27, and 29-30 are rejected under 35

U.S.C. 102(e) as being anticipated by Hawkinson, U.S. Patent No. 6,295,532.

5.   With respect to claims 1, 16, and 29-30, Hawkinson teaches a method to pre-

compile configuration information for a network connection device [see abstract and

figs.1-4], the method including:

- receiving a rule file [334 i.e. policy definition] defining behavioral requirements

  for the network connection device [fig.4];

- receiving an operations file [332 i.e. class definition] describing operations

  supported by a plurality of components of the network connection device

  [fig.4]; and

- generating a rule program [222 i.e. resource manager], executable by the

  network connection device [fig.4], utilizing the rule file [i.e. policy] and the

  operations file [i.e. class], wherein the rule program comprises a set of

  operations [col.7, lns.8-67], selected from operations supported by the

plurality of components of the network connection device [i.e. VCC, PCR,

SCR, MCR, MBS...], for performance by the respective components of the

network connection device in accordance with the behavioral requirements

. defined by the rule file [figs.2&4].

6.   With respect to claims 2 and 17, Hawkinson further teaches the rule file

comprises a decision tree structure [fig.5B].

7.   With respect to claims 3 and 18, Hawkinson further teaches the rule file

comprises a sequence of operations defined as IF THEN ELSE statements [steps 502,

508, 512 of fig.5B].

8.   With respect to claims 4 and 19, Hawkinson further teaches the rule file

comprises a text file [334 i.e. policy definition table].

9.   With respect to claims 5 and 20, Hawkinson further teaches the operations file

includes a plurality of sections [i.e. VCC, PCR, SCR, MCR, MBS...], each section of the

plurality of sections describing operations supported by a corresponding component of

the plurality of components [col.7, lns.8-67].

10.   With respect to claims 6 and 21, Hawkinson further teaches the operations file

specifies at least one process to identify a behavior and at least one context to identify a

data environment to support execution of the rule program [col.6, ln.35 - col.7, ln.67].

11.   With respect to claims 9 and 24, Hawkinson further teaches the set of operations

that comprise the rule program include configuration operations that determine

functioning the plurality of components of the network connection device [col.8, lns1-67].

12.   With respect to claims 10 and 25, Hawkinson further teaches the rule program

links an operation of a component to a contextualized set of data [col.7, lns.10-45 and

col.11, ln.5 - col.12, ln.64].

13.   With respect to claims 12 and 27, Hawkinson further teaches at least a portion of

the rule program is dedicated to a specific process and context, and wherein the

generating of the rule program includes performing a check to determine whether a

component and an operation associated with the portion of the rule program are

compatible with a declared process and context of the portion of the rule program

[col.16, lns.15-67].

14.   With respect to claim 14, Hawkinson further teaches executing the rule program

utilizing the plurality of components of the network connection device [figs.1&4].

15.   With respect to claim 15, Hawkinson further teaches each component of the

plurality of components of the network connection device registers at least one

operation, and the method includes performing a consistency check between the set of

operations and the operations registered by the plurality of components [col.7, ln.8 -

col.8, ln.58].

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

17.   Claims 7-8 and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hawkinson as applied to claims 1 and 16 above, and further in view of Whitehead

et al., U.S. Patent No. 6,085,030 (hereinafter Whitehead).

18.   With respect to claims 7 and 22, Hawkinson is silent on the rule program is

compiled as a binary object.

In a communication method, Whitehead discloses the rule program is compiled

as a binary object [col.2, lns.13-26].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Hawkinson in view of Whitehead by compiling

the rule program as a binary object because this feature enables dynamically distributed

to the reference and interfaces [Whitehead, col.2, lns.29-31]. It is for this reason that

one of ordinary skill in the art at the time of the invention would have been motivated to

modify Hawkinson in view of Whitehead in order to increase the flexibility and universal.

19.   With respect to claims 8 and 23, Hawkinson is silent on the compiled binary

object comprises an instruction sequence to be executed by a virtual machine hosted by

the network connection device.

In a communication method, Hawkinson further discloses the compiled binary

object comprises an instruction sequence to be executed by a virtual machine hosted by

the network connection device [col.2, lns.13-26].

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Hawkinson in view of Whitehead by executing

the binary object by a virtual machine because this feature enables dynamically

distributed to the reference and interfaces [Whitehead, col.2, lns.29-31]. It is for this

reason that one of ordinary skill in the art at the time of the invention would have been

motivated to modify Hawkinson in view of Whitehead in order to increase the flexibility

and universal.

20.   Claims 11, 13, 26 and 28 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hawkinson as applied to claims 1 and 16 above, and further in view

of Alles et al., U.S. Patent No. 6,466,976 (hereinafter Alles).

21.   With respect to claims 11 and 26, Hawkinson is silent on the rule program is

authenticated by an authentication authority.

        In a communication method, Alles discloses the rule program is authenticated by

an authentication authority [col.8, lns.4-37 and col.10, lns.17-56 i.e. AAA server].

        Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention was made to modify Hawkinson in view of Alles by adding an

authentication authority because this feature enables subscriber equipment to be

implemented with less complexity, and thus to provide easier management and lower

cost [Alles, col.7, lns.35-41]. It is for this reason that one of ordinary skill in the art at the

time of the invention would have been motivated to modify Hawkinson in view of Alles in

order to specify firewall parameters, security for specified conversations [Alles, col.7,

lns.51-61].

22.   With respect to claims 13 and 28, Hawkinson is silent on the generating of the

rule program includes compiling the rule program and loading the rule program into the

network connection device in a manner independent of a run-time management

program.

        In a communication method, the generating of the rule program includes

compiling the rule program and loading the rule program into the network connection

device in a manner independent of a run-time management program [col.2, lns.44-54

and col.7, ln.35 - col.8, ln.64].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hawkinson in view of Alles by compiling the rule program and loading the rule program into the network connection device in a manner independent of a run-time management program because this feature can be provided for dynamic generation of processing rules [col.8, lns.16-17]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Hawkinson in view of Alles in order to be generated dynamically to implement the specified service policies for each subscriber [Alles, see abstract].

Conclusion

23.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a.   "Method and apparatus for adapting enforcement of network quality of service policies based on feedback about network conditions," by Zavalkovsky et al., U.S. Patent No. 6,822,940.

b.   "Micro-flow management," by Roberts, U.S. Patent Application Publication No. 2002/0057699.

c.   "Policy server and architecture providing radio network resource allocation rules," by Marchand, U.S. Patent No. 6,714,515.

d.   "Asynchronous transfer mode based service consolidation switch," by Hauser et al., U.S. Patent No. 5,850,395.

e.   "Method and apparatus for identifying network data traffic flows and for

applying quality of service treatments to the flows," by McCloghrie et al., U.S. Patent

No. 6,286,052.

f.   "Admission control, queue management, and shaping/scheduling for

flows," by Rose, U.S. Patent No. 6,519,595.

24.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-

4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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NT

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